

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TELCORDIA TECHNOLOGIES, INC.,)	
)	
Plaintiff/Counterclaim Defendant,)	
)	
v.)	C.A. No. 04-876-GMS
)	
CISCO SYSTEMS, INC.,)	
)	
Defendant/Counterclaim Plaintiff.)	
_____)	

**DEFENDANT CISCO SYSTEMS, INC.'S MOTION
FOR JUDGMENT AS A MATTER OF LAW**

Pursuant to Rule 50(b), Cisco hereby renews its motions for judgment as a matter of law on four issues: (1) non-infringement of the '763 patent; (2) invalidity of the '763 patent for failure to meet the definiteness requirement of 35 U.S.C. § 112, ¶ 2; (3) invalidity of the '633 patent as obvious, or alternatively, for improper inventorship; and (4) invalidity of the '306 patent as anticipated or as obvious.¹

At the close of evidence, Cisco brought motions for judgment as a matter of law pursuant to Rule 50(a). D.I. 359 at 2005:23-2013:25. The Court reserved judgment on Cisco's motions. *Id.* at 2015:17-2016:13 ("We'll let the jury decide, and address these at some future date when we all have had the benefit of a fully transcribed record, which I know counsel have but I have not. So that's my ruling, or not ruling."). The jury returned a verdict in favor of Telcordia on the liability issues, and the Court entered judgment of infringement in favor of Telcordia. D.I. 348.

¹ As set forth in the accompanying brief, in the event that the claim construction for any limitations of the patents-in-suit change, Cisco hereby moves for a new trial on invalidity and unenforceability, and the opportunity to provide new expert reports and request summary judgment on any new bases that arise from the revised claim constructions.

For the reasons set forth in the accompanying brief, Cisco requests that the Court enter judgment as a matter of law in its favor on each of these issues based on the weight of the evidence presented at trial.

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May 31, 2007

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CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2007 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to Steven J. Balick and John G. Day.

I further certify that I caused copies of the foregoing document to be served on May 31, 2007 upon the following in the manner indicated:

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